

CM/ECF ADMINISTRATIVE GUIDE OF POLICIES & PROCEDURES



UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF OKLAHOMA

Effective Date: December 1, 2009

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I. INTRODUCTION

It is the policy of the United States Bankruptcy Court for the Eastern District of Oklahoma to require attorneys to file documents with the Court electronically using the Case Management Electronic Case Filing System (“CM/ECF” or the “CM/ECF System”) unless excused from that requirement with respect to a specific document by the Court. See Local Rule 5005-1.

II. GENERAL POLICIES

- A. When a document has been filed electronically, or filed in paper format and imaged by the Court, the official record is the electronic recording of the document as stored by the Court, and the filing party is bound by the document as filed. A document filed electronically is deemed filed on the date and time stated on the Notice of Electronic Filing (NEF).
- B. CM/ECF registrants may file documents 24 hours a day, seven days a week. Filing must be completed before midnight Central Standard Time (CST) in order to be considered timely filed that day. If the Local Rules prescribe that a document be filed by a time certain or the assigned Judge has ordered the document to be filed by a time certain, it must be filed by that time.
- C. Electronic transmission of a document to the CM/ECF System consistent with this CM/ECF Administrative Guide of Policies and Procedures (the “CM/ECF Administrative Guide”), together with the transmission of a Notice of Electronic Filing (NEF) from the Court, constitutes filing of the document for all purposes of the Federal Rules of Bankruptcy Procedure and the Local Rules. Emailing a document to the Clerk’s office shall not constitute “filing” of the document.

III. ELIGIBILITY

- A. Attorneys. Attorneys admitted to the bar of this Court, including those admitted pro hac vice and those authorized to represent the United States, must register as CM/ECF Users. The Court will issue passwords only to attorneys in good standing. Even if an attorney is already registered as a CM/ECF User in another district, this Court requires a unique local account, and an attorney must register for an account specific to this Court in accordance with this CM/ECF Administrative Guide.
- B. Pro Se Parties. Generally, parties proceeding pro se will not be authorized to file electronically. Pro se filers shall submit to the Clerk fully signed paper originals of

all petitions, lists, schedules, statements, amendments, pleadings, affidavits, and other documents. The Clerk will scan these documents, enter them into the CM/ECF System and retain the paper originals.

- C. Creditors. An individual or attorney for creditors authorized to prepare and file reaffirmation agreements and/or proofs of claim or interest (see Local Rule 3002-1) may register as a CM/ECF User for limited purposes. The Court may issue Limited Use Passwords to such individuals. Other parties interested in a Limited Use Password may contact the Clerk.

IV. REGISTRATION

- A. Each attorney seeking to file documents electronically shall complete and sign Registration Form 5005-1 (A) and (C) for Full Participant which is available as a fillable form on the Court's website at <http://www.okeb.uscourts.gov>.
- B. An individual or creditors attorney described in Section III(C) seeking to electronically file assignments of claim, withdrawal of claim, entry of appearance, reaffirmation agreements and/or proofs of claim or interest shall complete and sign Registration Form for Limited Participant 5005-1(C) which is available as a fillable form on the Court's website at <http://www.okeb.uscourts.gov>.
- C. All signed original registration forms and applications should be mailed, delivered or faxed to the United States Bankruptcy Court for the Eastern District of Oklahoma, Attn: CM/ECF Registration Clerk.
 - 1. If any of the information provided on the registration form or application changes (e.g. mailing address, email address, etc.), the registrant shall update such information using the account maintenance link located in the CM/ECF Utilities menu and inform the Court in writing
- D. In order to complete the registration process and obtain a CM/ECF Login and Password, a registrant may need to attend a training class to become certified on the CM/ECF System. Registrants may sign up for the required training class on the Court's website (www.okeb.uscourts.gov). Attorneys who have attended training and are registered in another district may register with this Court without further training, but may be required to file test documents in the CM/ECF System to ensure compatibility of equipment and proficiency in using the CM/ECF System and be familiar with this Court's Local Rules and Administrative Procedures.
- E. Registration as a CM/ECF User constitutes a request and consent under Bankruptcy Rule 9036 that all notices and documents to which the user is entitled to receive be served electronically through the CM/ECF System. Transmission of a Notice of Electronic Filing (NEF) through the CM/ECF System to the registered email address of a CM/ECF User will constitute service or notice.

- F. Participation in the System by receipt of a password from the Court, shall constitute a request for service and notice electronically pursuant to Federal Rule of Bankruptcy Procedure 9036. CM/ECF users, by receiving a password from the Court, agree to receive notice and service by electronic means and registration as a CM/ECF user constitutes:
1. Waiver of the right to receive notice by first class mail or certified mail and consent to receive notice electronically.
 2. Waiver of the right to service by personal service, first class or certified mail and consent to electronic service, except with regard to service of a summons and complaint under Federal Rules of Bankruptcy Procedure, 7004. Waiver of service and notice by first class mail or certified mail also applies to notice of an entry of order of judgement, under Federal Rules of Bankruptcy Procedure 9022.
- G. Once registered, a CM/ECF User may withdraw from participating in the CM/ECF System by submitting a written notice of withdrawal to the CM/ECF Help Desk at cmecf@okeb.uscourts.gov. Upon receipt, the Clerk will immediately lock the CM/ECF User's account. Withdrawal from the CM/ECF System will effectively terminate an attorney's ability to practice in this Court unless the Court has issued an order permitting the attorney to file by paper.
- H. If an attorney no longer desires to receive notices in a case, the Registered Attorney may file Local Form 9036-1, Request to Discontinue service in each case the attorney no longer desires to receive notice. Upon filing, the Clerk shall terminate the attorney in each case the notice is filed.

V. PASSWORDS

- A. A CM/ECF User will receive notification of the User Login and Password by email. Each CM/ECF User shall be entitled to one CM/ECF System Login and Password unless the user has more than one office with a different address.
- B. After receiving the User Login and Password from the Clerk, the CM/ECF User shall immediately change his or her Password using the CM/ECF Utilities menu. The use of the User Login and Password in the CM/ECF System will serve as the CM/ECF User's official signature for purposes of the Federal Rules of Bankruptcy Procedure and any applicable statute or regulation of the United States.
- D. CM/ECF Users shall not permit their User Logins and Passwords to be utilized by anyone other than persons specifically authorized to file documents in the CM/ECF User's name. The CM/ECF User is responsible and accountable for all documents filed with that CM/ECF User's Login and Password.
- E. CM/ECF Users agree to protect the security of their Passwords. If a Password is believed to be compromised, the CM/ECF User shall immediately notify the

CM/ECF Help Desk at (918) 759-HELP, and shall change the Password using the CM/ECF Utilities menu.

F. REVOCATION OF PASSWORD

The Court may revoke a filing user's password and therefore, his or her authority and ability to electronically file documents under any of the following conditions:

1. Failure to comply with any provision of the agreement contained in the filing user's Registration Form.
2. Failure to adequately protect his or her password.
3. Failure to comply with the provisions of these Administrative Procedures for electronically filed cases.
4. Failure to pay fees required for documents filed electronically.
5. Misuse of the System.
6. Or as a sanction ordered by the Court after notice and an opportunity for hearing.

VI. FILING

- A. CM/ECF Users shall file all documents electronically in accordance with Local Rule 5005-1.
- B. All documents filed electronically shall comply with Local Rule 9004-1 and shall be in "Portable Document Format" (PDF).

VII. GENERAL RULES OF SERVICE

- A. Transmission of the Notice of Electronic Filing (NEF) that is automatically generated by the CM/ECF System constitutes service of the filed document on CM/ECF Users. Parties and/or attorneys who are not CM/ECF Users and parties entitled to service under Bankruptcy Rules 7004 and 9014(b) must be served with a copy of the filed document along with a copy of the first page of the NEF, using a method permitted by the applicable Federal Rule of Bankruptcy Procedure.
- B. The Notice of Electronic Filing (NEF) serves as the Certificate of Mailing to all CM/ECF Users listed as email recipients. A separate Certificate of Mailing shall be filed indicating how service to non-CM/ECF Users was accomplished (mail, hand delivery, etc.). The Certificate of Mailing may be incorporated into the filed document or filed as a separate document. If the Certificate of Mailing is filed as a separate document, the filing party shall relate it to the original document in the CM/ECF System. See also Local Rules 5005-1(E) and 9004-1(F).

VIII. TITLES OF DOCUMENTS

- A. When creating a document to be filed, the CM/ECF User should choose, to the extent possible, a title that matches one of the CM/ECF event titles prescribed by the Court.

- B. CM/ECF Users shall not file a document that involves multiple CM/ECF events that should be filed as separate documents (e.g., Answer and Schedules, Certificate of Credit Counseling and Financial Management Course Certification, etc.). The only exception to this procedure would be Motions Requesting Relief From Stay, Abandonment or Alternatively, Adequate Protection.

IX. CROSS-DOCUMENT HYPERLINKS

- A. Hyperlinks are allowed in documents filed with the Court only for the purpose of providing a convenient mechanism for accessing material cited in the document.
- B. Because the availability and location of information on the Internet is highly volatile, a hyperlink may fail to produce the intended information, and therefore the information may not be available to or considered by the Court.
- C. Information produced by a hyperlink is extraneous to any filed document and is not part of the Court's record.
- D. In order to preserve the integrity of the Court's record, CM/ECF Users that insert hyperlinks in filed documents shall also include a traditional citation for the authority.
- E. CM/ECF users should follow the instructions listed on this Court's website for creating cross-document hyperlinks.

X. REDACTION

- A. Privacy. Local Rule 5005-1(F) requires CM/ECF Users to omit or, where inclusion is necessary, partially redact personal data identifiers from all electronically filed documents, unless otherwise ordered.
- B. Responsibility to Redact. The responsibility for redacting personal data identifiers rests solely with counsel and the parties. The Clerk will not review documents for compliance with this rule, seal documents containing personal data identifiers without a Court order, or redact such information from documents.
- C. Redaction of Transcripts. It is the responsibility of parties in interest to ensure personal data identifiers are redacted from written transcripts filed in the CM/ECF System. See Local Rule 5003-1(D).
- D. Tax Documents. A CM/ECF User filing tax returns that are required to be filed pursuant to a request under 11 U.S.C. § 521(f) shall redact all personal data identifiers before filing the tax return. To file a tax return as a restricted event (i.e., a document that cannot be viewed by the general public) as required by Local Rule 4002-1(C), the CM/ECF User shall choose "Miscellaneous/Other" on the Bankruptcy Events screen and choose "Tax Documents" as the document to be filed. The

CM/ECF System will automatically limit access to “Tax Documents” to the Clerk’s office and the Court.

XI. SIGNATURES

A. Filing Attorney Signature

1. The User Login and Password required to submit documents to the CM/ECF System serve as the CM/ECF User’s signature on all electronic documents filed with the Court for purposes of the Federal Rules of Bankruptcy Procedure, the Local Rules of this Court, and any other purpose for which a signature is required in connection with proceedings before the Court. See also Local Rule 9011-3.
2. Electronically filed documents must include a signature block. The name of the CM/ECF User under whose Login and Password the document is submitted must be preceded by an “s/” and typed in the space where the signature would otherwise appear. See also Local Rule 9004-1.
3. Attorneys may not file documents using a User Login and Password of another attorney or individual.
4. Except as set forth in sub-paragraph (A)(5) below, attorneys may not use their User Login and Password to file documents that are signed pursuant to Bankruptcy Rule 9011(a) only by an attorney (or attorneys) other than the attorney filing the document.
5. Notwithstanding sub-paragraph (A)(4), the attorneys representing the United States Trustee may file a Trustee’s Final Report and Proposed Distribution, Trustee’s Closing Report and Application for Final Decree, and other related reports, motions, applications and supporting documentation, even though such documents are signed pursuant to Bankruptcy Rule 9011(a) by the trustee assigned to the case.

B. Non-Filing Attorney Signature

1. CM/ECF Users filing documents that require the signature of a non-filing attorney (e.g., joint motion, stipulation, etc.) shall indicate the signature of the non-filing attorney with an “s/” and the name typed in the space where a signature would otherwise appear, or shall file a scanned image of the document containing the nonfiling attorney’s signature.
2. The CM/ECF User that files such a document shall maintain a paper version of the signed document in accordance with Local Rule 9011-1.

C. Non-User Signature

1. CM/ECF Users filing documents that require the signature of a person that is not counsel of record (e.g., verified pleadings, contracts, affidavits, etc.) shall indicate the person's signature with an "s/ name" or file a scanned image of the document containing the person's signature, address and phone number.
2. The CM/ECF User that files such a document shall maintain a paper version of the signed document in accordance with Local Rule 9011-1.

XII. EXHIBITS, ATTACHMENTS & APPENDICES

- A. CM/ECF Users must submit in electronic form all documents referenced as exhibits, attachments, or appendices to a filed document unless the Court permits conventional filing. Exhibits, attachments, and appendices should be filed as attachments to the main document whenever possible, rather than as separate docket events, with the exception of Proof of Claim [See Local Rule 3002-1(D)], and shall be clearly labeled with the appropriate exhibit number.
- B. Exhibits, attachments, and appendices may be filed as individual attachments (e.g., Exhibit 1, Exhibit 2, etc.), or combined in one attachment (e.g., Exhibit 1-5, Attachments 1-8, etc.), as long as the two (2) megabyte file size limitation is observed. See Section XVI.
- C. CM/ECF Users shall submit as exhibits, attachments and appendices only those excerpts of such documents that are directly germane to the matter under consideration by the Court. Excerpted material must be clearly and prominently identified as such.
- D. The debtor and debtor's counsel shall redact the following personal data identifiers from all exhibits and other documents before filing such documents: all but the last four digits of the social security number; all names of minor children (use minors' initials); all but the last four digits of any bank, savings or similar account numbers; and birth date except for the year. The responsibility for redacting personal data identifiers rests solely with the debtor and debtor's counsel. The Clerk will not review documents for compliance with this rule, seal documents containing personal data identifiers without a Court order, or redact such information from documents, whether filed electronically or on paper. See Local Rule 1007-1(J)

XIII. PROPOSED ORDERS

- A. ORDERS: Proposed order granting the relief requested shall be submitted to the Clerk when a motion is filed. The proposed order must conform to the following format requirements:
 1. The top margin of the FIRST PAGE must be four (4) inches. All other pages of the order will have a top margin of one inch.

2. To assist the Court in verifying that the “entire” body of the submitted order has been properly transmitted, the LAST LINE in the order must be three (3) pound symbols (###), centered in the middle of the page, to indicate the order is completed.
 3. A line for the date and a signature line for the Judge is omitted. All lines in the body of the order should be omitted. All orders will be signed electronically by the Judge in the space provided within the top margin on the first page.
 4. All orders prepared by legal counsel shall indicate the name of the law firm, name and bar number of the attorney responsible for the order, mailing address and phone number for the firm and, if desired, the fax number and/or e-mail address. This information shall be included on the order after the line containing the three (3) pound symbols.
 5. All proposed orders shall contain the language “The Movant Shall Notify All Interested Parties Of This Order”.
- B. SUBMITTING PROPOSED ORDERS: All proposed orders must be submitted electronically using Order Upload in CM/ECF. The application or motion must be filed prior to submitting a proposed order to Order Upload. The submitting party should upload the electronic order, hereinafter referred to as E-Order through CM/ECF by selecting Bankruptcy, Order Upload, Upload Single. In certain circumstances, in addition to uploading the order, the order should be attached to the motion, pursuant to Bankruptcy Rule 4001. See also Local Rule 9072-1.

XIV. COURT ORDERS

- A. Any order filed electronically by the Court or other court-issued document filed electronically without the original signature of a Judge or Clerk has the same force and effect as if the Judge or Clerk had signed a paper copy of the order or other document and entered such order on the docket.
- B. The Court may enter a Text-Only Order on the docket, without an attached document. Text-Only Orders are official and binding orders of the Court. See Local Rule 9021-1.

XV. PUBLIC ACCESS

- A. Electronic access by the public to the electronic docket and documents filed in the CM/ECF System is available at no charge at the Clerk’s Office during regular business hours.
- B. Remote electronic access to the CM/ECF System through the Court’s website, www.okeb.uscourts.gov, is limited to subscribers to the Public Access to Court Electronic Records (PACER) system. The CM/ECF System is available 24 hours a day, seven days a week. In accordance with the Policy of the Judicial Conference of the United States, a user fee shall be charged for accessing case-specific information, such as filed documents and docket sheets. No fee is required to review

calendars, certain written opinions, and similar general information. Further information regarding registration and access to PACER is available at <http://pacer.uscourts.gov/documents/pacermanual.pdf>.

- C. Paper copies and certified copies of filed documents may be purchased at the Clerk's Office. Requests may be ordered by phone. Payment must be made before the request can be filled. The fee for copying and certification will be charged in accordance with 28 U.S.C. § 1930(b).

XVI. FILE SIZE LIMITATIONS

The CM/ECF System automatically rejects documents that exceed two (2) megabytes in size (typically equivalent to about 20 scanned pages). Documents that exceed two (2) megabytes when converted to electronic form may be filed in parts by incorporating an attachment to the main document. The attachment may be identified by page numbers or another appropriate identifier (e.g., Pages 21 – 41, Exhibit A). Multiple attachments are permitted.

XVII. FEES

All filing fees must be paid at the time the document is filed except in limited circumstances. See Local Rule 1006-1. See also Local Rule 5080-1. Filing fees for documents filed electronically shall be paid through the CM/ECF System by credit card, approved debit card, or other means approved by the Court's electronic payment system (Pay.gov). Payment of any filing fee by a pro se debtor shall be by cash, cashier's check, or money order payable to "Clerk, United States Bankruptcy Court." Failure to pay for the filing of any transaction on the date it is filed, will result in the CM/ECF User being locked out of the CM/ECF system until payment is made.

XVIII. FILING ERRORS

- A. When or after a document has been electronically filed, the CM/ECF System will not permit the CM/ECF User to alter the document or the docket entry.
- B. CM/ECF Users should make every effort to ensure that they do not file a document other than the one intended to be filed, that the document is filed in the correct case, and that the document does not contain information that should have been redacted or filed under seal.
- C. CM/ECF Users shall immediately notify the CM/ECF Help Desk of any filing errors by telephone at (918) 759-HELP, or at the Court's telephone number, 758-0126, during working hours, or by email at helpdesk@okeb.uscourts.gov. The CM/ECF user should provide the Clerk's Office with the case number, docket number, and a description of the erroneous entry along with the CM/ECF User's contact information. Do not refile the document without contacting the Clerk's office.

XIX. REFUND OF ELECTRONICALLY PAID FEES

- A. The Judicial Conference generally prohibits refunds of fees due upon filing, even if a petition, motion, proceeding or document was filed in error, or the Court dismissed the case or proceeding. See Local Rule 1006-1.
- B. The authority to refund certain payments in limited circumstances has been delegated by the Court to the Clerk. The Clerk may refund duplicate filing fees collected for the same filing as a result of a Pay.gov error. In limited circumstances, if a CM/ECF User makes an erroneous filing of a pleading for which a fee is requested but was not actually due, and the payment has not yet been processed, the Clerk may correct the entry administratively and void the fee without a motion or Court order.
- C. Requests for refunds related to duplicate filing by error of the attorney or situations other than those listed above, will be ruled on by the Judge after an Application to Refund the Filing Fee has been filed.
- D. If the Court grants the application, a refund will be issued in the same form it was received (e.g., to the credit card that was originally charged).
- E. If a CM/ECF User (or CM/ECF Users from the same firm) make mistakes repeatedly when submitting fees electronically, the Court may consider remedial action and may make a determination not to grant fee refund requests.

XX. TECHNICAL FAILURES

- A. Court's CM/ECF System. A technical failure exists when the CM/ECF System is unable to accept filings continuously or intermittently over the course of any period of time greater than two (2) hours within a calendar day. The Clerk will post any scheduled CM/ECF System outages or downtimes on the Court's website. Should a filing be untimely as the result of a technical failure of the CM/ECF System, the CM/ECF User may seek appropriate relief from the Judge.
- B. CM/ECF User's System. A CM/ECF User's telephone line, Internet Service Provider (ISP), or hardware or software problems will not constitute technical failures under these procedures or excuse an untimely filing. Upon a showing of good cause, the assigned Judge may grant appropriate relief for an untimely filing. CM/ECF Users may, during regular business hours, bring electronic files to the public terminals located in the Clerk's Office and file them in the CM/ECF System.

XXI. SUPPORT

For technical problems, contact the CM/ECF Help Desk at (918) 759-HELP.

XXII. MODIFICATIONS AND AMENDMENTS OF CM/ECF SYSTEM PROCEDURES

The assigned Judge may modify these procedures in specific cases without prior notice, if deemed appropriate. The Court may also amend these policies and procedures at any time without prior notice. Modifications and amendments to CM/ECF Administrative Guide will be posted on the Court's website at www.okeb.uscourts.gov.

XXIII. E-MAIL FAILURES

- A. When a pleading or other paper is filed electronically in accordance with the Local Rules and these Administrative Procedures for CM/ECF, the ECF System shall generate and e-mail a Notice of Electronic Filing to the filing party and any other registered party who has requested electronic notice in that case or proceeding.
- B. Upon receipt of a delivery failure the court will make contact with the attorney to try and resolve the problem with the attorney and resend e-mails that have failed. If a contact cannot be made with the attorney because the attorney has not left a forwarding phone number, e-mail address or the Court receives repeated e-mail failures, the Clerk shall remove the e-mail address from the attorney's account. The clerk shall docket the court event "Notice of Undeliverable E-Mail" in each case or cases that the attorney had e-mail failures. This event will give notice to parties in those cases where the attorney was not notified of certain docket entries by electronic mail. If the attorney is an interested party, the notice for the attorney will need to be resent via U. S. mail.
- C. Attorneys are discouraged from using the "Out of Office" response or reply on their CM/ECF E-mail accounts. If attorneys choose to use the "Out of Office" response, a rule must be configured on the mailbox attendant to exclude the court's "CM/ECF _Helpdesk Mailbox" from any automatic replies.

XXIV. ELECTRONIC DEVICES IN THE COURTROOM.

Federal law enforcement officers, employees and tenants of the courthouse may bring laptop computers into the courthouse upon approval of Attorney Application for Computer Use and Responsible Use Agreement, Local Form XXIV.

No cellular telephones, personal digital assistants or pagers shall be allowed.

Possession of laptop computers is otherwise prohibited, except by:

- 1. lawyers who present photo identification and a current Oklahoma bar registration card;
- 2. pro hac vice counsel who present photo identification and a court order which establishes that they are admitted to practice for a particular case, when counsel is at the courthouse on business related to that case;
- 3. individuals who are granted specific written permission from this Court.

All such individuals and laptop computers are subject to proper screening and security clearance before entry into the courthouse. Failure to permit screening of the device will result in the refusal to admit the laptop computer.

No person who is allowed to possess a laptop computer in the courthouse may allow it to be used by any unauthorized person or for any unauthorized purpose.

Use of devices in the courthouse: Laptop computers are allowed, but the volume must be muted. No other electronic communication device may be used in the courtroom.

Any electronic communication device that is used in violation of this rule is subject to immediate, permanent confiscation. In addition, in the discretion of the Court, the violator or other responsible party may be subject to other sanctions (including financial sanctions).